

Executive

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1            DMR - 3            ODMR/DD and ODJFS Administration and Oversight Funds

R.C.        *5123.0412*

Permits ODMR/DD and the Department of Job and Family Services to use money in their respective administration and oversight funds for Medicaid administrative costs in general rather than just the administrative and oversight costs of Medicaid case management services and ODMR/DD-administered home and community-based Medicaid waiver services.

**Fiscal effect: Broadens the use of the dollars in the funds.**

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2            DMR - 2            MR/DD Personnel Providing Specified Health Care Services

R.C.        *5123.42*

Provides that in a community living arrangement certified MR/DD personnel who are not health professionals may be authorized to provide certain health-care services to not more than five, rather than four, individuals with mental retardation or a developmental disability.

**Fiscal effect: Potential savings to ODMR/DD.**

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3            DMR - 1            Number of Persons Living Together in Supported Living

R.C.        *5126.01*

Provides that under the Supported Living program an individual with mental retardation or a developmental disability may reside in a residence of the individual's choice with up to four, rather than up to three, other individuals with mental retardation or a developmental disability who are not the individual's relatives.

**Fiscal effect: Potential savings to ODMR/DD.**

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4            DMR - 4            Identity Disclosure -- County MR/DD Programs

R.C.        *5126.044*

Specifies that the prohibition against disclosing the identity of a person who is eligible for or requests programs or services from a county board of mental retardation and developmental disabilities (county MR/DD board), or an entity under contract with the board, does not apply if the disclosure is needed for the person's treatment or the payment of services.

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Eliminates provisions under which a county MR/DD board or contracting entity is required to maintain a record or report of when and to whom each currently permitted disclosure or release of a person's identity is made by the board or contracting entity.

**Fiscal effect: Potential minimal savings to county MR/DD boards.**

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**5            DMR - 11            Lease-Rental Payments**

**Section:    337.20.10**

Specifies that ODMR/DD must pay to the Ohio Public Facilities Commission from GRF appropriation item 320415, Lease-Rental Payments, pursuant to leases and agreements made under state law regarding capital facilities for mental hygiene and retardation. Specifies that the appropriations in that appropriation item are the source of funds pledged for bond service charges on obligations issued for certain capital facilities.

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**6            DMR - 12            Residential and Support Services**

**Section:    337.30.10**

Specifies that ODMR/DD may designate a portion of GRF appropriation item 322413, Residential and Support Services, for Sermak Class Services used to implement the requirements of the agreement settling the consent decree in Sermak v. Manuel.

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**7            DMR - 13            Other Residential and Support Service Programs**

**Section:    337.30.20**

Permits the use of GRF appropriation item 322413, Residential Support Services, for residential and support service programs that enable individuals with mental retardation and developmental disabilities to live in the community.

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**8            DMR - 14            Medicaid Waiver - State Match (GRF)****Section: 337.30.30**

Specifies that GRF appropriation item 322416, Medicaid Waiver - State Match, is to be used for home and community-based waiver services under Title XX of the Social Security Act and to pay the nonfederal share of the cost of one or more new intermediate care facilities for the mentally retarded certified beds if the Director of MR/DD is required by the bill to transfer to the Director of Job and Family Services funds to pay such nonfederal share.

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**9            DMR - 8            Fiscal Plan for Home and Community-Based Services****Section: 337.30.40**

Requires the Director of MR/DD to submit a plan to the Director of Job and Family Services not later than December 31, 2009, with recommendations for actions to be taken addressing the fiscal sustainability of home and community-based services provided under Medicaid waiver programs ODMR/DD administers.

**Fiscal effect: Minimal.**

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**10           DMR - 22           State Subsidy to County MR/DD Boards****Section: 337.30.50**

Except as otherwise provided in the section of the bill titled "Nonfederal Share of ICF/MR Beds," requires the Director of MR/DD, in consultation with the county MR/DD boards, to develop a formula for allocating GRF appropriation item 322501, County Boards Subsidies, to each county board. Requires ODMR/DD to distribute the subsidy to county boards in quarterly installments. Except for the portion of those dollars used to pay the nonfederal share of Medicaid expenditures, requires county boards to use the subsidy for early childhood and adult services, service and support administration, and supported living.

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**11            DMR - 9            County Share of Medicaid Home and Community-Based Services****Section: 337.30.60**

Requires the Director of MR/DD to establish a methodology to be used in FY 2010 and FY 2011 to estimate the quarterly amount each county MR/DD board is to pay of the nonfederal share of home and community-based services for which the county board is responsible. Requires the Director of MR/DD to provide written notice of the amount owed by each county board for each quarter.

Authorizes the Director of MR/DD to withhold from a county MR/DD board, that fails to make the full payment by the time it is due, the amount the county board fails to pay from one or more state subsidies that ODMR/DD would otherwise provide to the county board.

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**12            DMR - 15            Tax Equity****Section: 337.30.70**

Specifies that GRF appropriation item 322503, Tax Equity, is to be used pay each county MR/DD board an amount equal to what was received in FY 2009 if the Director of MR/DD determines that sufficient appropriation is available, or an amount that is proportionate to what was received in FY 2009 if the appropriation is insufficient.

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**13            DMR - 16            Medicaid Waiver - State Match (Fund 4K80)****Section: 337.30.80**

Requires that SSR Fund 4K80 appropriation item 322604, Medicaid Waiver - State Match, be used as matching funds for home and community-based waivers.

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**14            DMR - 17            Targeted Case Management Services****Section: 337.30.90**

Specifies that county MR/DD boards are to pay the nonfederal portion of targeted case management services to ODMR/DD and requires the Director of MR/DD to withhold any amount owed from subsequent payments from any appropriation item or money otherwise due to a nonpaying county.

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Permits the Director of MR/DD and the Director of Job and Family Services to enter into an interagency agreement requiring ODMR/DD to pay the Department of Job and Family Services (ODJFS) the nonfederal portion of the cost of targeted case management services paid by county MR/DD boards and ODJFS to pay the total cost of targeted case management claims.

**15          DMR - 18          Transfer to Program Fee Fund****Section:    337.31.10**

Requires the Director of MR/DD to request the Director of Budget and Management to transfer the cash balance in GSF Fund 4B50, Conference/Training Fund, to SSR Fund 5EV0, Program Fee Fund, on July 1, 2009 or as soon as possible thereafter and abolishes Fund 4B50 upon completion of the transfer.

**16          DMR - 10          Developmental Center Billing for Services****Section:    337.31.20**

Permits a developmental center to provide services to persons with mental retardation or other developmental disability who live in the community or to providers of services to such persons and authorizes ODMR/DD to develop a methodology for recovering all costs associated with provision of these services.

**17          DMR - 19          Transfer of Funds for Developmental Center Pharmacy Programs****Section:    337.40.10**

Requires the Director of MR/DD to transfer to the Department of Job and Family Services, by intrastate transfer voucher, cash in an amount equal to the nonfederal share of Medicaid prescription drug claim costs paid for all developmental centers. Specifies that transfers are to occur quarterly.

**18          DMR - 20          Nonfederal Match for Active Treatment Services****Section:    337.40.20**

Requires that any county funds received by ODMR/DD from county MR/DD boards for active treatment be deposited into SSR Fund 4890, Mental Retardation Operating Fund.

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19          DMR - 21          Nonfederal Share of New ICF/MR Beds

**Section: 337.40.30**

Requires the Director of MR/DD to use only funds appropriated to ODMR/DD in GRF appropriation item 322416, Medicaid Waiver - State Match, and in GRF appropriation item 322501, County Boards Subsidies, for the transfer.

Requires ODMR/DD to transfer funds, by intrastate transfer voucher, to ODJFS to pay the nonfederal share of Medicaid costs for beds that obtain certification as an intermediate care facility for the mentally retarded bed on or after July 1, 2009.

Stipulates that funds the Director of MR/DD transfers in the case of beds located in a county served by a county MR/DD board that initiates or supports the beds' certification be funds that the Director of MR/DD has allocated to that county MR/DD board unless the amount of the allocation is insufficient to pay the entire nonfederal share of the Medicaid costs for the beds in which case the Director of MR/DD is to use as much of such funds allocated to other counties as needed to make up the difference.

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20            GOV - 1            Service Coordination Workgroup

**Section: 751.20**

Creates the Service Coordination Workgroup to develop procedures for coordinating services that any of the following provide to individuals under age 21 and their families: the Office of the Governor, the Departments of Alcohol and Drug Addiction Services, Education, Health, Job and Family Services, Mental Health, Mental Retardation and Developmental Disabilities, and Youth Services; the Office of Budget and Management; and the Family and Children First Cabinet Council.

Requires the Workgroup, not later than July 31, 2009, to submit a report to the Governor with recommendations for implementing the procedures.

Permits the Director of Budget and Management to seek Controlling Board approval to transfer cash and appropriations as necessary to implement the Workgroup's recommendations.

**Fiscal effect: Since the representative of the Governor's Office is to serve as the chairperson of the Council, this provision may cause a minimal increase in the Governor's Office's costs to produce the workgroup's report.**

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## Executive

Medicaid

21 JFS - 22 ICF/MR Franchise Permit Fee

R.C. 5112.30, 5112.31, 5112.37, 5112.371,  
5112.372

Subjects ICFs/MR that ODMR/DD operates (i.e., developmental centers) to the ICF/MR franchise permit fee.

Increases the franchise permit fee on ICF/MR beds to \$14.25 per day from \$11.98.

Provides for the money raised by the ICF/MR franchise permit fee to be deposited as follows: (1) 74.89% in FY 2010 and 70.67% in FY 2011 and thereafter into the Mentally Retarded and Developmentally Disabled Fund; (2) 3.78% in FY 2010 and 3.57% in FY 2011 and thereafter into SSR Fund 5CT0, Children With Intensive Behavioral Needs Programs; and (3) 21.33% in FY 2010 and 25.76% in FY 2011 and thereafter into a new fund created in the state treasury called the ODMR/DD Operating and Services Fund.

Provides for money in the ODMR/DD Operating and Services Fund to be used for expenses of the programs that ODMR/DD administers and ODMR/DD's administrative expenses.

**Fiscal effect: Increasing the ICF/MR franchise permit fee from \$11.98 to \$14.25 per day per bed as well as subjecting developmental centers to the fee will generate several million dollars in additional revenue for the Medicaid Program each year.**

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